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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 002072

SIPDIS

DEPARTMENT FOR AF/W (BOOTH), AF/RA (BITTRICK), AND PM FOR
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JCS FOR HEIMERLE

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TAGS: [MARR](#) [NI](#) [MAS](#)

SUBJECT: NIGERIA: SECURITY ASSISTANCE MEETING CHAIRED BY
ACTING MINISTER OF DEFENSE

REF: REF: ABUJA 2036

(U) Classified by Ambassador Howard F. Jeter; Reasons 1.5
(b) and (d).

11. (C) SUMMARY: On August 13, Ambassador Jeter accompanied by DATT, Acting ODC Chief and PolMilOff met with Acting Minister of Defense Lawal Batagarawa and other Ministry officials to discuss security assistance programs. Ambassador Jeter explained that he had requested the meeting due to slow progress on many assistance cases, including MOD failure to sign a number of significant LOAs, and continuing problems with IMET. A lively and positive discussion followed, facilitated by Minister Batagarawa, including an ODC briefing on the role of ODC and the types of U.S. security assistance programs.

12. (C) Batagarawa promised an improved relationship ("the same as I did with OFR"). As a result of the meeting, the participants agreed to have bi-weekly meetings between ODC and the Ministry and Services. Additionally, Batagarawa asked for training on security assistance for the Ministry's Legal Department and Joint Services Department. The Ministry agreed to give multiple names for all IMET slots in the future. Finally, the Minister instructed the head of the Legal Department to inform the Nigerian DATT in Washington, Group Captain Ode, to sign the Amended LOA for MPRI (although it appears that additional intra-Ministry discussions will occur before this instruction is carried out). END SUMMARY.

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BACKGROUND
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13. (C) Numerous problems have plagued the security assistance relationship between the U.S. and Nigeria since the inception of democracy in May 1999. Lack of Ministry action, largely due to stovepipe communication channels within the Ministry and between the Ministry and Services, as well as bureaucratic infighting over resources, have delayed completion of LOAs and caused the loss of badly needed and highly desired IMET slots. Moreover, the Nigerian DIA insists that the DATT provide a notice of at least 30 days before there is any contact between the DATT and GON officials. DIA has included ODC in this highly restrictive requirement, which has made it nearly impossible for the many TDY ODC staff members to establish and maintain productive relationships. (However, this has not prevented DIA from returning ODC's letters seeking IMET course requests with long lists filled only with intelligence courses.) As a result, Ambassador Jeter requested a meeting between the Embassy (including himself, DATT, ODC and PolMilOff) and policy-makers in the Ministry, including the Minister, the Ministers of State for Army, Navy and Airforce, the Chief of Defense Staff and the three Service Chiefs.

14. (U) Ambassador Jeter was accompanied to the meeting by DATT Nelson, Acting ODC Chief Kinser and PolMilOff. The meeting was chaired by the Acting Minister of Defense (Minister of State for Army), Lawal Batagarawa. Also in attendance from the Ministry were the Permanent Secretary, the heads of the Joint Services and Legal Departments and the Directors of the Army, Navy and Air Force Departments. The Chief of Defense Staff, Vice Admiral Ibrahim Ogohi appeared during the last few minutes of the meeting.

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A NEW BEGINNING?
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15. (C) Ambassador Jeter explained the reasons he had

requested the meeting, and emphasized the importance of opening lines of communication on security assistance. Delayed response to LOAs was holding back assistance that was clearly needed and desired by the Ministry and Services. Dropped IMET slots resulted in lost money and training to Nigeria. If the situation did not improve, it would be difficult to convince Washington to maintain the current level of security assistance to Nigeria.

16. (C) Minister Batagarawa explained that while he was aware that the Ambassador had requested a meeting with policy-makers, he felt it was more important to begin with the civil servants that dealt with these issues on a daily basis. Moreover, he noted, policy-makers can change, while the MOD civil servants were less likely to be moved (and thus could provide continuity in the security assistance relationship). A policy-maker level meeting could follow, if desired.

17. (C) Major Kinser gave a security assistance briefing, and a lively discussion of the legalese of LOAs, including the MPRI amended LOA ensued. The Head of the Legal Department complained that the Embassy expected that the Ministry's signature on LOAs was the perceived final step, whereas the Nigerians were used to a three stage process, including a letter of offer, a letter of acceptance and, after negotiation, the signature of an agreement. She bemoaned many of the legal details in U.S. LOAs, including the 2.5 percent fee and responsibility to pay any additional costs. Somewhat surprisingly, the Minister suddenly interrupted his Head of Legal Department's questioning, and accurately explained the difference between direct commercial sales, FMS cases, and FMS grant assistance. He emphasized the advantages of working through the USG to procure equipment, but noted it was discretionary. However, with FMS cases where the USG grants were provided, the Ministry would be mistaken not to take full advantage of the goodwill. Major Kinser explained the difficulties the Embassy had had with IMET. The Head of the Joint Services gave her commitment that from now on the Ministry would supply multiple names for each training slot, and do so in a timely manner.

18. (C) Ambassador Jeter noted that the MPRI amended LOA had yet to be signed by the GON. This meant that the U.S. could not access the money that Nigeria had transferred. He also noted that due to payment delays and exchange-rate fluctuations, the final sum had come up short by about USD 400,000. Batagarawa asked his Head of the Legal Department if that were true. She explained that it was, that she had concerns about the LOA language that she had raised with Minister Danjuma, and that she had sent a letter to the Nigerian DATT in Washington, Group Captain Ode, to send a letter giving the USG access to the money, rather than signing the LOA. Batagarawa directed that now that she had clarification on the LOA process, she should immediately write to Ode to sign the LOA. She complained that she had planned to meet with other department heads to discuss the case, and wanted to do so before carrying out Batagarawa's instruction. He agreed, but told her to meet "quickly," and bring him a recommendation by Thursday, August 16.

19. (C) DATT suggested a bi-weekly meeting between ODC and the Ministry to discuss cases and IMET slots, and to avoid any future misunderstandings. DATT, however, explained that this might be a problem due to DIA's requirements for the DOD personnel at the Embassy. However, DIA could certainly attend the regularly scheduled meetings. The Minister heartily agreed to the bi-weekly meetings (as did the MOD staff in attendance). He waved off DIA as a problem, but agreed that including DIA was acceptable. He also stated that representatives of the CDS and the Service Chiefs should also attend. The situation would improve, the Minister said. I give my personal commitment, "the same as I did with OFR."

10. (C) The Minister then told the DATT that he wanted security assistance training for MOD civil servants, especially the Legal and Joint Services Department. He explained that fewer problems would occur if there were a better understanding in the Ministry of the U.S. process. Colonel Nelson agreed to work on a security assistance training plan that would involve bringing a small team to Abuja to carry out the training for the Ministry. Smiling, the Minister asked, "Colonel Nelson, do I have your word on that?" and jocularly turned to the Ambassador, and said, "I am going to hold you responsible for his commitment." (NOTE: A slot was found for MOD personnel in October by the ODC. END NOTE)

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COMMENT AND ANALYSIS

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11. (C) Due to the suspension of security assistance during the Abacha regime, the Embassy and the Ministry of Defense are in some ways creating a new relationship. Understandably, any new relationship has problems. While the Embassy has worked for the past two years to reform and rebuild the security assistance relationship with Nigeria, the Ministry of Defense is in many ways just now finding its feet, and expanding its role in overseeing the Services. A renewed effort to establish open and transparent channels of communication between the Embassy and the Ministry, is an important step. The recent meeting was extremely helpful in this regard.

12. (C) For those that would engage in corrupt practices, working with the USG presents serious problems. Because our programs are so well defined and carefully managed, there is little room for kickbacks. Therefore, the purchase of military goods from others, such as Russia or China, holds a much greater attraction for those MOD rent seekers. While corruption of this sort will not go away any time soon, improved communication and cooperation will make it more difficult for those who would restrict and then criticize the relationship with the U.S. for their own ends.

13. (C) Minister Batagarawa has consistently met his commitments to the Embassy, and has served effectively as a problem-solver for the bilateral relationship. His decision to involve the Ministry's civil servants was well-considered. We are also confident that he will do everything he can to meet his commitment to us for improved coordination on FMS cases and IMET.

14. (C) DAO COMMENT: A security-related follow-on meeting between ODC and MOD, Service and DIA staff was held on August 14. The meeting established the bi-weekly schedule. At the meeting, MOD Joint Services and Legal Departments stated that unless the U.S. makes the voluminous legal changes to the LOAs currently awaiting signature, they would not be signed. ODC explained that it was very unlikely that any substantive changes would be made but that our legal experts would review the Nigerian requests. DAO pointed out that this would mean, at best, further delays and at worst, the complete cessation of the FMF program for Nigeria. DATT believes that when this development is revealed to Batagarawa, the MOD Legal and Joint Staff representatives will be told to cooperate. END DAO COMMENT.

15. (U) This cable was cleared with DAO and ODC.
Jeter